

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CASE NO. 4:15-CR-00651-001.

United States Courts
Southern District of Texas
FILED

JUL 01 2019

David J. Bradley, Clerk of Court

MARK DUESTERBERG

DEFENDANT

V.

MOTION

FILED PURSUANT TO
18 USC § 3583(E)(2)
AND RULE 32.1(C) OF THE
FEDERAL RULES OF CRIMINAL
PROCEDURE.

UNITED STATES OF AMERICA

PLAINTIFF

NOW COMES DEFENDANT A PRO SE LITIGANT WHO MOVES THIS
COURT FOR A REDUCTION OF SUPERVISE RELEASE PURSUANT TO
18 USC § 3583(E)(2) AND RULE 32.1(C) OF THE FEDERAL RULES
OF CRIMINAL PROCEDURE.

(1)

A DEFENDANT MAY MOVE FOR MODIFICATION OR EARLY TERMINATION OF HIS TERM OF SUPERVISED RELEASE PURSUANT TO 18 USC § 3583 (E) AND RULE 32.1(C) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE. SEE UNITED STATES V. HILLS, 597 FED. APPX. 264, 2015 US APP, LEXIS 4014, 2015 WL 1119604, AT 1 (5TH CIR. 2015) (PER CURIAM). "A DISTRICT COURT HAS AUTHORITY TO MODIFY CONDITIONS OF SUPERVISED RELEASE UNDER 18 USC § 3583(E)(2) 'AT ANY TIME PRIOR TO THE EXPIRATION OR TERMINATION OF THE TERM OF SUPERVISED RELEASE.'"

DEFENDANT WAS SENTENCED TO 10 YEARS OF INCARCERATION, AND 10 YEARS OF SUPERVISE RELEASE, THE MAXIMUM.

SUPERVISE RELEASE CONSIST OF A MINIMUM SENTENCE OF 3 YEARS TO A MAXIMUM OF 10 YEARS.

DEFENDANT IS REQUESTING THAT HIS SUPERVISE RELEASE BE REDUCED TO 5 YEARS FOR THE FOLLOWING REASONS:

DEFENDANT'S SUPERVISE RELEASE OF 10 YEARS IS IN EXCESS, IN ACCORDANCE WITH A 10 YEAR TERM OF INCARCERATION., EVENTHOUGH, IT IS THE DISCRETION OF THE JUDGE TO INCREASE IT IS ALSO THE DISCRETION OF THE JUDGE TO REDUCE, WHEN THERE IS NO CIRCUMSTANCE TO SHOW OR FACTORS TO PROVE AS EVIDENCE THAT

THERE HAS BEEN A CRIME OF VIOLENCE COMMITTED. THEREFORE, DEFENDANT IS REQUESTING THAT HIS SENTENCE OF SUPERVISED RELEASE BE REDUCED TO NO MORE THAN 5 YEARS.

REQUEST FOR A REDUCTION OF SUPERVISED RELEASE OF 5 YEARS IS APPROPRIATE, AND WARRANTED IN THIS CASE.

CONCLUSION

FOR THE FOREGOING REASONS DEFENDANT MOVES THE COURT TO GRANT THIS MOTION, AND GRANT ANY OTHER RELIEF THE COURT DEEMS APPROPRIATE IN THE INTEREST OF JUSTICE.

DATE 6-26-2019

RESPECTFULLY SUBMITTED,
S/ Mark H. H.

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CEGAL
MAIL